

Attorney Docket No.: PA742A1C1

## REMARKS

Claims 1-31 are currently pending in the application.

### *Rejections under 35 U.S.C. §103(a)*

The Examiner has rejected claims 1 and 17 under 35 U.S.C. §103(a) as being unpatentable over Cellario (U.S. Patent 5,548,680) in view of Taniguchi *et al.* (EP Patent 0 417 739 A2). These rejections are respectfully traversed.

The Examiner states that the Cellario and Taniguchi *et al.* combination would have made it obvious to one ordinarily skilled in the art at the time of the invention to modify the teachings of Cellario and select an encoder from a plurality of encoder modes, as taught by Taniguchi *et al.* since it is one manner in which to implement multiple encoder modes. The Examiner is mistaken.

Claim 1 states "... an encoder mode from a plurality of parallel encoder modes, wherein selecting the encoder mode is based on whether the speech signal is active or inactive, and if active, based further on said type of active speech; and... encoding the speech signal..."

Claim 17 states "... a plurality of parallel encoding means for encoding the speech signal..., wherein said parallel encoding means are dynamically selected to encode the speech signal is active or inactive, and if active, based further on said type of active speech..."

Neither Cellario and Taniguchi *et al.* disclose using an encoding mode or means as claimed by the Applicants. Cellario discloses using "coding ways" (Col 1 line 59). Cellario also only teaches a single speech coder in conjunction with a single coder CV (see Fig. 1) wherein "The precise structure of units CV is of no interest for the invention." (Col 3 lines 37-38).

Attorney Docket No.: PA742A1C1

Taniguchi *et al.* discloses "three coder-error correcting coder sets (three modes)." (Pg 6 lines 52-53). These are not the claimed encoding modes or encoding means as they encode the residual signal, not the speech signal as claimed. (See Fig. 1). Taniguchi *et al.* does have multiple speech coders, however "each of the coders ...is of a conventional code excited linear predictive coding (CELP) type coder." (Pg 6 lines 38-40). Thus, Taniguchi *et al.*, like Cellario, discloses only a single coding mode. As neither Taniguchi *et al.* nor Cellario disclose the claimed encoding modes or means, the rejection of claims 1 and 17 should be withdrawn.

The Examiner has rejected claims 2 and 18 under 35 U.S.C. §103(a) as being unpatentable over Cellario in view of Taniguchi *et al.*, in further view of Weaver *et al.* (U.S. Patent 5,956,673). As claims 1 and 17 are believed to be patentable, claims 2 and 18 should also be patentable as being based upon patentable base claims. These rejections should be withdrawn.

The Examiner has rejected claims 3-4 and 19-21 under 35 U.S.C. §103(a) as being unpatentable over Cellario in view of Taniguchi *et al.*, in further view of DeJaco (U.S. Patent 5,911,128). Claims 3-4 and 19-21 are based upon allowable claims and should therefore also be allowable. These rejections should be withdrawn.

The Examiner has rejected claims 5 and 22 under 35 U.S.C. §103(a) as being unpatentable over Cellario in view of Taniguchi *et al.*, in further view of DeJaco, in further view of Weaver *et al.*, in further view of De Martin (IEEE Conference on Acoustics, Speech and Signal Processing, May 1996). Claims 5 and 22 are based upon allowable claims and should therefore also be allowable. These rejections should be withdrawn.

The Examiner has rejected claims 6 and 23 under 35 U.S.C. §103(a) as being unpatentable over Cellario in view of Taniguchi *et al.*, in further view of DeJaco, in further view of Massaloux (U.S. Patent 5,812,965). Claims 6 and 23 are based upon

Attorney Docket No.: PA742A1C1

allowable claims and should therefore also be allowable. These rejections should be withdrawn.

The Examiner has rejected claims 7-8 and 24-25 under 35 U.S.C. §103(a) as being unpatentable over Cellario in view of Taniguchi *et al.*, in further view of Iijima *et al.* (U.S. Patent 5,909,663). Claims 7-8 and 24-25 are based upon allowable claims and should therefore also be allowable. These rejections should be withdrawn.

The Examiner has rejected claims 9 and 26 under 35 U.S.C. §103(a) as being unpatentable over Cellario in view of Taniguchi *et al.*, in further view of Iijima *et al.*, in further view of Atal (U.S. Patent 4,764,963). Claims 9 and 26 are based upon allowable claims and should therefore also be allowable. These rejections should be withdrawn.

The Examiner has rejected claims 10 and 11 under 35 U.S.C. §103(a) as being unpatentable over Cellario in view of Taniguchi *et al.*, in further view of Swaminathan *et al.* (U.S. Patent 5,734,789). Claims 10 and 11 are based upon allowable claims and should therefore also be allowable. These rejections should be withdrawn.

The Examiner has rejected claims 12-16 and 27-31 under 35 U.S.C. §103(a) as being unpatentable over Cellario in view of Taniguchi *et al.*, in further view of Swaminathan *et al.*, in further view of DeJaco, in further view of Massaloux. Claims 12-16 and 27-31 are based upon allowable claims and should therefore also be allowable. These rejections should be withdrawn.

Attorney Docket No.: PA742A1C1

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the Application are patentable. Accordingly, reconsideration and allowance of this Application is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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